

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 EL PASO DIVISION

FILED
 May 22 2024
 Clerk, U.S. District Court
 Western District of Texas

By: 

Deputy

UNITED STATES OF AMERICA

vs.

(1) JOSE DANIEL SIMANCAS-RODRIGUEZ

Defendant.

§
 § CASE NUMBER: EP:24-M -02108(1)
 §
 §
 §

JUDGMENT IN A CRIMINAL CASE
(For A Petty Offense) - Short Form

The defendant, Jose Daniel Simancas-Rodriguez, was represented by counsel, Bryan Herrera.

The defendant pled guilty to the complaint on May 22, 2024. Accordingly, the defendant is adjudged guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>
8 USC 1325(a)(1)	IMPROPER ENTRY BY AN ALIEN	May 21, 2024

As pronounced on May 22, 2024, the defendant is hereby committed to the custody of the United States Bureau of Prisons for a term of **Time Served + (1) One Business Day**. The defendant shall remain in custody pending service of sentence.

The special assessment imposed pursuant to 18 U.S.C. § 3013 is hereby remitted pursuant to 18 U.S.C. § 3573 because of reasonable efforts to collect this assessment are not likely to be effective.

Signed on this the 22nd day of May, 2024.


 ROBERT F. CASTANEDA
 UNITED STATES MAGISTRATE JUDGE

United States District Court
Western District of Texas
El Paso Division

FILED
05/22/2024

Clerk, U.S. District Court
Western District of Texas

By: VMontoya
Deputy

INITIAL APPEARANCE, PLEA AND SENTENCE

Case Number: EP:24-M -02108(1) RFC

DEFENDANT'S NAME:
(1) JOSE DANIEL SIMANCAS-RODRIGUEZ

ATTY FOR DEFENDANT:
Herrera, Bryan

JUDGE: ROBERT F. CASTANEDA
DEPUTY CLERK: Veronica Montoya
COURT REPORTER: ERO

AUSA: SHANNON HOLDERFIELD
INTERPRETER: SPANISH - T. SAENZ
PROB. OFFICER: _____
PRETRIAL OFFICER: _____
TIME: 13 Minutes 2:30 p.m. - 2:43 p.m.

DATE: May 22, 2024

PROCEEDINGS	DFT NO.	[DftNo1]	[DftNo2]
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<input checked="" type="checkbox"/> INITIAL APPEARANCE HELD	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> ARRAIGNMENT HELD	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> DFT INFORMED OF RIGHTS/oral consent to plea	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> GUILTY DEFT [DftNo1] COUNT(S): <u>COMPLAINT</u>			
<input checked="" type="checkbox"/> GUILTY PLEA ACCEPTED BY THE COURT	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Information Filed On _____			
<input type="checkbox"/> Motion to Dismiss Complaint filed on _____			
<input type="checkbox"/> Court Grants Motion to Dismiss on _____			
<input type="checkbox"/> Order Dismissing Complaint entered on _____			
<input checked="" type="checkbox"/> Oral Motion by AUSA to Remit Special Assessment	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Oral Order Granting Oral Motion to Remit Special Assessment	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> SENTENCING HELD: Defendant sentenced to : TIME SERVED + (1) ONE BUSINESS DAY / NO FINE / \$10 SA REMITTED			

OTHER: DEFT AGREED TO WAIVE INITIAL APPEARANCE HEARING

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

USA

vs.

(1) JOSE DANIEL SIMANCAS-RODRIGUEZ

§
§
§
§
§

Case Number:
EP:24-M -02108(1) RFC

ORDER APPOINTING COUNSEL

The above named Defendant has testified under oath, or has otherwise satisfied this court, that he/she is financially unable to obtain counsel and does not wish to waive representation by counsel.

Therefore, in the interest of justice, Bryan Herrera, is hereby appointed to represent the defendant in the above-styled and numbered cause.

Defense Counsel is **ORDERED** to meet and confer with the Defendant prior to the time of the hearing. Failure to do so, in absence of good cause, will result in termination of the appointment of counsel.

This appointment shall remain in effect until further order of this court.

It is so **ORDERED** this 22nd day of May, 2024.


ROBERT F. CASTANEDA
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

USA

vs.

(1) JOSE DANIEL
SIMANCAS-RODRIGUEZ

§
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Case Number: EP:24-M -02108(1) RFC

ORDER SETTING INITIAL APPEARANCE / MISDEMEANOR ARRAIGNMENT

IT IS HEREBY ORDERED that the above entitled and numbered case is set for **INITIAL APPEARANCE / MISDEMEANOR ARRAIGNMENT**, in Magistrate Courtroom 612, on the 6th Floor of the United States Courthouse, 525 Magoffin Avenue, El Paso, TX, on:

May 22, 2024 at 02:30 PM

Defense Counsel is **ORDERED** to meet and confer with the Defendant prior to the time of the hearing. Failure to do so, in absence of good cause, will result in termination of the appointment of counsel.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, United States Probation Office, and any surety or custodian, if applicable. Counsel for the defendant shall notify the defendant of this setting and if the defendant is on bond, advise the defendant to be present at this proceeding.

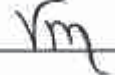
In accordance with Federal Rule of Criminal Procedure 5(f), as amended by the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), the Government is hereby notified of and ordered to comply with (1) the prosecutor's disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and (2) the possible consequences of violating this Order, which may include sanctions such as delay of trial or other proceedings, the exclusion of evidence, the giving of adverse jury instructions, the grant of new trial, the dismissal of an action, or finding in contempt.

IT IS SO ORDERED this 22nd day of May, 2024.


ROBERT F. CASTANEDA
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

FILED
05/22/2024
Clerk, U.S. District Court
Western District of Texas

By: 

Deputy

USA
vs.
(1) JOSE DANIEL SIMANCAS-RODRIGUEZ

§
§ CRIMINAL COMPLAINT
§ CASE NUMBER: EP:24-M -02108(1)
§
§

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **05/21/2024** in **El Paso** county, in the **WESTERN DISTRICT OF TEXAS** defendant did, being an alien to the United States, knowingly enter and attempt to enter the United States at a time and place other than as designated by immigration officers.

in violation of Title **8** United States Code, Section(s) **1325(a)(1)**.

I further state that I am a **Border Patrol Agent** and that this complaint is based on the following facts:

"The DEFENDANT, Jose Daniel SIMANCAS-Rodriguez, an alien to the United States and a citizen of Venezuela, entered the United States from the Republic of Mexico by crossing the Rio Grande River on May 21, 2024, approximately 3.4 miles west of the Ysleta Port of Entry in El Paso, Texas, in the Western District of Texas. The place where the DEFENDANT entered is not designated as a Port of Entry by immigration officers."

Continued on the attached sheet and made a part of hereof:

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

/ s / VALLES, DAVID R.

Signature of Complainant
Border Patrol Agent

05/22/2024

File Date

at EL PASO, Texas

City and State

OATH TELEPHONICALLY
SWORN AT 11:02 P.M.
FED.R.CRIM.P.4.1(b)(2)(A)

ROBERT F. CASTANEDA

UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

(1) JOSE DANIEL SIMANCAS-RODRIGUEZ

FACTS (CONTINUED)

The DEFENDANT, Jose Daniel SIMANCAS-Rodriguez, an alien to the United States and a citizen of Venezuela, entered the United States from the Republic of Mexico by crossing the Rio Grande River on May 21, 2024, approximately 3.4 miles west of the Ysleta Port of Entry in El Paso, Texas, in the Western District of Texas. The place where the DEFENDANT entered is not designated as a Port of Entry by immigration officers.

Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

IMMIGRATION HISTORY:

NONE

CRIMINAL HISTORY:

NONE